

11&14

03-09-2025

AKG

Ct. 15

WPA 16238 of 2025

With

CAN 1 of 2025

M/s. Kamala Transport represented by its Sole Proprietor Shyamal Kumar Ghosh

Vs.

State of West Bengal & Ors.

WITH

WPA 19394 of 2025

M/s. Kamala Transport represented by its Sole Proprietor Shyamal Kumar Ghosh

Vs.

State of West Bengal & Ors.

Mr. Sankar Nath Mukherjee,

Mr. Niraj Gupta,

Mr. Manisha paswan

...for the Petitioner

Mr. Pantu Deb Roy,

Mr. Pannalal Bandopadhyay

...for the State in **WPA 16238 of 2025**

Mr. Pantu Deb Roy,

Mr. Subrata Guha Biswas

...for the State in **WPA 19394 of 2025**

Mr. Barun Kr. Samanta

...for the Private Respondent

Both these writ petitions are taken up for hearing in view of the common facts involved.

The writ petitioner in WPA 16238 of 2025 (hereinafter referred to as “M/s Kamala Transport”) seeks renewal of its permanent stage carriage permit for an interstate route from Chinsurah to Bhubaneswar via Laxmannath. The permit was valid from June 12, 2013, to June 11, 2018.

It appears that M/s Kamala Transport, after attaining the said permit from the State Transport Authority, West

Bengal, failed to obtain the requisite counter-signature from the State Transport Authority, Odisha, during the validity period of the permit. Consequently, it was unable to ply the vehicle throughout the validity of the permit.

Accordingly, a notice for cancellation of the permit was issued against M/s Kamala Transport on February 1, 2024, under Section 86 of the Motor Vehicles Act, 1988.

Meanwhile, respondent no. 5 in WPA 19394 of 2025 (hereinafter referred to as “Soumya Das”) submitted an application to the State Transport Authority, West Bengal, for the grant of a stage carriage permit for the same route.

Since the application of Soumya Das was not considered, he filed WPA 22356 of 2024 (Soumya Das vs. State of West Bengal & Ors.), which was disposed of by a Co-ordinate Bench of this Court on September 23, 2024, directing the State Transport Authority to consider his application and pass a reasoned order.

However, Soumya Das was not granted the permit by the State Transport Authority on the ground that the permit issued in favour of M/s Kamala Transport had not been cancelled at the relevant time following a resolution passed in the meeting of the State Transport Authority held on December 12, 2024.

Soumya Das challenged the decision by filing WPA

8135 of 2025.

This writ petition was disposed of by a Co-ordinate Bench of this Court on May 21, 2025, directing the State Transport Authority to immediately decide whether a vacancy had arisen due to the expiry of the permit held by M/s Kamala Transport. It was further directed that if a vacancy was found, the State Transport Authority should consider the application of Soumya Das.

Pursuant to the said order, the State Transport Authority convened a hearing on July 7, 2025, where both Soumya Das and M/s Kamala Transport were heard.

Subsequently, on July 7, 2025, the Board passed the following order:

After hearing all aspects, the Members of the State Transport Authority Board resolved as follows:

“As per section 86 of the M.V. Act, 1988 the permit issued in favour of M/s Kamala Transport has been cancelled outright.

The route, after cancellation of the permit, has to be declared vacant and to be published accordingly.

After seven (7) days of vacancy declaration, fresh applications for this route will be entertained. Afterwards, considering those applications as received along with the earlier application of the petitioner, permit will be granted on first in first out (FIFO) basis

Therefore, the matter has been resolved and thus, the solemn order of the Hon’ble Court has been complied.”

M/s Kamala Transport challenged this decision of the State Transport Authority Board by filing WPA 19394 of 2025.

The affidavit filed before this Court by the State Transport Authority, West Bengal, indicates that following the resolution dated July 7, 2025, the Board declared a vacancy in the subject route on August 8, 2025, and the same was uploaded on the departmental website.

Upon hearing the parties, this Court is of the view that there is no scope to interfere with the resolution dated July 7, 2025, adopted by the State Transport Authority Board.

It is admitted that M/s Kamala Transport failed to get the permit countersigned by the State Transport Authority, Odisha, and did not ply the vehicle during the validity period of the permit. Furthermore, the petitioner did not challenge the failure or inaction of the concerned authorities regarding the countersignature by way of any writ petition before any Court.

It appears that the petitioner did not act with due diligence to utilize the permit granted by the State Transport Authority, West Bengal. The petitioner remained dormant, leading the Authority to decline renewal of the permit and notify the vacancy.

However, it is pertinent to note that the State Transport Authority Board observed, inter alia, that following the

advertisement published on August 8, 2025, permits would be granted on a “first in first out” basis.

This Court finds no justification for imposing such a condition.

Applications received by the State Transport Authority pursuant to the advertisement dated August 8, 2025, must be considered on their respective merits and not on the basis of the “first in first out” criterion.

It is acknowledged before this Court that both M/s Kamala Transport and Soumya Das claim to have applied for the permit following the advertisement dated August 8, 2025.

Needless to say, the concerned authority shall consider their applications, along with any other applications received, within a period of eight (8) weeks from the date of this order, in accordance with law.

With the above observations, **WPA 16238 of 2025** along with CAN 1/2025 and **WPA 19394 of 2025** stand disposed of.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)